

<b>AMERICAN GROWERS INSURANCE</b>	)	<b>AGBCA No. 1999-192-F</b>
<b>COMPANY</b>	)	
<b>(Donald Wyatt Compliance),</b>	)	
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
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	)	
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**DECISION OF THE BOARD OF CONTRACT APPEALS**

February 26, 2001

**Before HOURY, VERGILIO, and WESTBROOK, Administrative Judges.**

**Opinion for the Board by Administrative Judge WESTBROOK.**

This appeal arises out of a Standard Reinsurance Agreement (SRA) between Redland Insurance Company (Redland) and the Federal Crop Insurance Corporation (FCIC or Respondent) effective July 1, 1994, for the 1995 crop year. Per the Complaint in this appeal, beginning in June 1995, American Growers Insurance Company agreed to assume all liability for the Multi-Peril Crop Insurance (MPCI) business written under all past and present SRAs between FCIC and Redland. After June 1995 and during periods relevant to this appeal FCIC continued to correspond with Redland. Neither party has raised an issue of the identity of the party before the Board. The Board will refer to American Growers and Redland collectively as Appellant. Under the SRA, Respondent sells and administers MPCI which insurance is reinsured by FCIC. The Risk Management Agency

(RMA), an agency of the U. S. Department of Agriculture (USDA), is responsible for supervising FCIC and administering and overseeing programs authorized under the Federal Crop Insurance Act, 7 U.S.C. §§ 1501 *et seq.* (FCIA).

This appeal was received timely at the Board August 23, 1999. The Board has jurisdiction to decide the appeal under 7 C.F.R. §§ 24.4(b) and 400.169(d).

The appeal was from a Determination of the Deputy Administrator of Risk Compliance dated June 19, 1999, in which the Deputy Administrator made an administrative determination that Appellant committed errors during the processing of the 1995 prevented planting claim of insured Donald Wyatt resulting in an indemnity overpayment of \$50,492 and premium overpayment of \$26,951. After docketing and the filing of pleadings, the Board held a telephonic conference with the parties for the purpose of setting a schedule for further proceedings. Appellant had previously requested a hearing. During the conference, however, Appellant withdrew that request and the Board set a schedule for Rule 11 briefing. Appellant's opening brief was received at the Board June 3, 2000. Thereafter, Respondent requested and was granted two extensions of the deadline for filing its opening brief for the purpose of conducting settlement negotiations. Absent objection, both extensions were granted. On December 27, 2000, a Stipulation signed by both parties and Appellant's Motion to Dismiss the appeal with prejudice were received at the Board.

**DECISION**

The Board dismisses the appeal with prejudice.

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**ANNE W. WESTBROOK**  
Administrative Judge

**Concurring:**

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**EDWARD HOURY**  
Administrative Judge

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**JOSEPH A. VERGILIO**  
Administrative Judge

**Issued at Washington, D.C.**  
**February 26, 2001**